

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, ) CIVIL ACTION NO.: 05-81E  
Plaintiff, )  
vs. )  
JAMES E. WHITLEY, JR., and )  
CHARITY A. WHITLEY, )  
Defendants. )

**AFFIDAVIT OF KIMBERLY A. SLAVONIC**

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS  
COUNTY OF ALLEGHENY )

Before me, the undersigned authority, personally appeared KIMBERLY A. SLAVONIC, who, after first being duly sworn according to law, deposes and says the following is true and correct, based upon her personal knowledge and upon information supplied to her by others which she believes to be true and correct:

1. I am employed as a paralegal for John P. Davis, III, Esquire and Jones, Gregg, Creehan & Gerace, LLP, attorneys for the Plaintiff, the United States of America, in Civil Action No. 05-81E in the United States District Court for the Western District of Pennsylvania.

2. Plaintiff attempted to serve the Complaint in Mortgage Foreclosure and for Deficiency Judgment, the Notice of Lawsuit and Request for Waiver of Service of Summons and the Waiver of Service of Summons on Defendant, Charity A. Whitley, by

certified mail, return receipt requested at her last known address of 219 Rocca Way, Franklin, Pennsylvania 16323. On or about March 21, 2005, the United States Postal Service returned the package marked "no mail receptacle."

3. On or about March 23, 2005, Plaintiff sent an Address Information Request to the Franklin, Pennsylvania, Postmaster to ascertain whether Defendant, Charity A. Whitley still resided at the 219 Rocca Way address. The postmaster provided Plaintiff with a new address for Defendant, Charity A. Whitley, of 962 Two Mile Run Road, Franklin, Pennsylvania 16323. A true and correct copy of the Address Information Request is attached hereto as Exhibit "A."

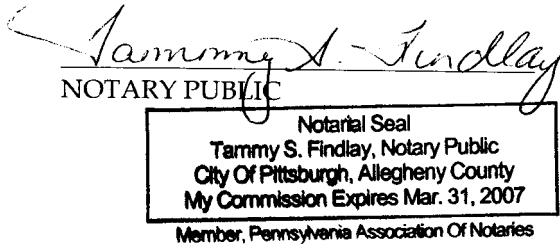
4. The United States Marshals Service then attempted to serve the Defendant personally at the 962 Two Mile Run Road address. Attempts were made to serve her on April 8, 2005 and May 4, 2005, but, as indicated by the Marshals Return of Service, the attempts were unsuccessful. A true and correct copy of the Return of Service is attached hereto as Exhibit "B."

5. After attempting to serve the Defendant by utilizing the above named methods, I depose and say that Charity A. Whitley is avoiding service.

July 6, 2005  
Date

Kimberly A. Slavonic  
Kimberly A. Slavonic, Paralegal

SWORN TO and subscribed before me  
this 6th day of July, 2005.



JONES, GREGG, CREEHAN & GERACE, LLP  
 411 Seventh Avenue, Suite 1200  
 Pittsburgh, PA 15219  
 Counsel for U.S. Attorney

(412) 261-6400  
 Fax (412) 261-2652

DATE: March 23, 2005 USAO NO. 2004V01169  
 TO: POSTMASTER JGC&G NO. 05M275  
 Franklin, PA 16323

ADDRESS INFORMATION REQUEST

PLEASE FURNISH THE NEW ADDRESS, IF AVAILABLE FOR THE FOLLOWING INDIVIDUAL OR VERIFY WHETHER OR NOT THE ADDRESS GIVEN BELOW IS ONE AT WHICH MAIL FOR THIS INDIVIDUAL IS CURRENTLY BEING DELIVERED. IF THE FOLLOWING ADDRESS IS A POST OFFICE BOX, PLEASE FURNISH THE STREET ADDRESS AS RECORDED ON THE BOXHOLDER'S APPLICATION FORM.

NAME Charity A. Whitley  
 LAST-KNOWN 219 Rocca Way  
 ADDRESS Franklin, PA 16323

I CERTIFY THAT THIS ADDRESS INFORMATION IS REQUIRED FOR THE SERVICE OF LEGAL PROCESS.

*John P. Davis, III /dav8*  
 JOHN P. DAVIS, III, ESQUIRE  
 JONES, GREGG, CREEHAN & GERACE  
 Counsel for the U.S. Attorney

FOR POST OFFICE USE ONLY

PLEASE PROVIDE STREET ADDRESS

( ) MAIL IS DELIVERED TO ADDRESS GIVEN  
 ( ) NOT KNOWN AT ADDRESS GIVEN  
 ( ) MOVED, LEFT NO FORWARDING ADDRESS  
 ( ) NO SUCH ADDRESS

NEW ADDRESS:

*962 Two Mile Run Rd*

Postmark/Date stamp

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF

UNITED STATES OF AMERICA

DEFENDANT

James E. Whitley, Jr. and Charity A. Whitley

COURT CASE NUMBER  
C.A. 05-815

TYPE OF PROCESS

Summons/Complaint

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

AT

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUEST RAT NAME AND ADDRESS BELOW

JONES, GREGG, MEEHAN & GERACE, LLP  
ATTORNEYS AT LAW  
411 SEVENTH AVENUE, SUITE 1200  
PITTSBURGH, PA 15219-1905

Number of process to be served with this Form 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Please personally serve the above individual with the attached Complaint by May 9, 2005. Please indicate below if the person appears competent or is in the military.

Signature of Attorney other Originator requesting service

on behalf of:

 PLAINTIFF DEFENDANT

TELEPHONE NUMBER

DATE

PARALEGAL

412-261-6400

3-28-05

S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

SPACE BELOW FOR USE OF U.S. MARSHAL

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

District to Serve

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I  have personally served the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

 A person of suitable age and discretion then residing in defendant's usual place of abode

Date

14-4-05

Time

 am  
 pm

Signature of U.S. Marshal or Deputy

Service Fee <u>\$180.00</u>	Total Mileage Charges Including endowment <u>\$106.92</u>	Forwarding etc.	Total Charges <u>\$286.92</u>	Advance Deposit	Amount owed to U.S. Marshal or (Amount of Refund)
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REMARKS: TO ERIC 3-29-05

Attempted Service 4/8/05 - \$90.00 + \$3.00 mileage  
Attempted Service 5/4/05 \$90.00 + \$3.00 mileage

COMPETENT

MILITARY

PRIOR EDITIONS  
MAY BE USED

PRINTED BY

1.0 ERM OF THE COURT  
2.11 USE RECOMM

Exhibit B

FORM USM-285  
PAGE .02